

International Law Studies—Volume 17

International Law Documents

Neutrality

Breaking of Diplomatic Relations

War

With Notes

U.S. Naval War College (Editor)

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S.

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it into their service. As hostile shipping and shipping sailing in hostile interest are being supplemented by violent measures, the German Government in its struggle against Great Britain's domination of violence, which tramples under foot all rights, especially those of smaller nations, finds itself obliged to extend the field of operation of its submarines.

The zone is outlined thus:

From 39° north latitude and 17° west longitude to 44° north latitude and 27° 45' west longitude to 44° north latitude and 34° west longitude, to 42° 30' north latitude and 37° west longitude, to 57° north latitude and 37° west longitude, to 30° north latitude and 26° west longitude, to 34° north latitude and 20° west longitude, and thence back to the starting point.

GREAT BRITAIN.

WAR ULTIMATA AND DECLARATIONS.

Ultimatum to Germany, August 4, 1914.

[British White Paper.]

No. 159.—Sir Edward Grey to Sir E. Goschen.

[Telegraphic.]

LONDON, FOREIGN OFFICE, *August 4, 1914.*

We hear that Germany has addressed note to Belgian minister for foreign affairs stating that German Government will be compelled to carry out, if necessary by force of arms, the measures considered indispensable.

We are also informed that Belgian territory has been violated at Gemmenich.

In these circumstances, and in view of the fact that Germany declined to give the same assurance respecting Belgium as France gave last week in reply to our request made simultaneously at Berlin and Paris, we must repeat that request, and ask that a satisfactory reply to it and to my telegram of this morning¹ be received here by 12 o'clock to-night. If not, you are instructed to

¹ No. 153.—Sir Edward Grey to Sir E. Goschen.

[Telegraphic.]

LONDON, FOREIGN OFFICE, *August 4, 1914.*

The King of the Belgians has made an appeal to His Majesty the King for diplomatic intervention on behalf of Belgium in the following terms:

"Remembering the numerous proofs of Your Majesty's friendship and that of your predecessor, and the friendly attitude of England in 1870, and the proof of friendship you have just given us again, I make a supreme appeal to the diplomatic intervention of Your Majesty's Government to safeguard the integrity of Belgium."

His Majesty's Government are also informed that the German Government has delivered to the Belgian Government a note proposing friendly

ask for your passports, and to say that His Majesty's Government feel bound to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany is as much a party as ourselves.

*Proclamation of war against Germany, 11 p. m., August 4, 1914.*¹

[London Times, Aug. 5, 1914, p. 6, a.]

The following statement was issued from the Foreign Office at 12.15 this morning (Aug. 5):

Owing to the summary rejection by the German Government of the request made by His Majesty's Government for assurances that the neutrality of Belgium will be respected, His Majesty's ambassador at Berlin has received his passports and His Majesty's Government have declared to the German Government that a state of war exists between Great Britain and Germany as from 11 p. m. on August 4.

*Declaration of war against Austria-Hungary, 12 p. m., August 12, 1914.*²

[Austro-Hungarian Red Book.]

LXV.—Count Mensdorff to Count Berchtold.

[Telegram.]

LONDON, *August 12, 1914.*

I have just received from Sir Edward Grey the following communication:

By request of the French Government, which no longer is able to communicate directly with your Government, I wish to inform you of the following:

After having declared war on Servia and having thus initiated hostilities in Europe, the Austro-Hungarian Government has, without any provocation on the part of the Government of the French Republic, entered into a state of war with France.

neutrality entailing free passage through Belgian territory, and promising to maintain the independence and integrity of the kingdom and its possessions at the conclusion of peace, threatening in case of refusal to treat Belgium as an enemy. An answer was requested within 12 hours.

We also understand that Belgium has categorically refused this as a flagrant violation of the law of nations.

His Majesty's Government are bound to protest against this violation of a treaty to which Germany is a party in common with themselves, and must request an assurance that the demand made upon Belgium will not be proceeded with, and that her neutrality will be respected by Germany. You should ask for an immediate reply.

¹ A notification of similar effect was published in the London Gazette, Aug. 7, 1914, pp. 6161, 6181, and in the Manual of Emergency Legislation, p. 1.

² A notification of similar effect was published in the London Gazette, Aug. 14, 1914, pp. 6375, 6385, and in the Manual of Emergency Legislation, p. 1. See also Journ. Off., Aug. 14, 1914, p. 1448.

1st. After Germany had declared war successively upon Russia and France, the Austro-Hungarian Government has intervened in this conflict by declaring war on Russia, which was already in alliance with France.

2d. According to manifold and reliable information Austria has sent troops to the German border under circumstances which constitute a direct menace to France.

In view of these facts the French Government considers itself compelled to declare to the Austro-Hungarian Government that it will take all measures necessary to meet the actions and menaces of the latter.

Sir Edward Grey added:

A rupture with France having been brought about, the Government of His Britannic Majesty is obliged to proclaim a state of war between Great Britain and Austria-Hungary, to begin at midnight.

Note relating to the neutrality of Congo, August 17, 1914.

[Belgian Gray Book.]

No. 75.—Count de Lalaing, Belgian Minister at London, to Monsieur Davignon, Belgian Minister for Foreign Affairs.

[Translation.]

LONDON, August 17, 1914.

SIR: In reply to your dispatch of August 7, I have the honor to inform you that the British Government can not agree to the Belgian proposal to respect the neutrality of the belligerent powers in the conventional basin of the Congo.

German troops from German East Africa have already taken the offensive against the British Central African Protectorate. Furthermore, British troops have already attacked the German port of Dar-es-Salaam, where they have destroyed the wireless telegraphy station.

In these circumstances, the British Government, even if they were convinced from the political and strategical point of view of the utility of the Belgian proposal, would be unable to adopt it.

The British Government believes that the forces they are sending to Africa will be sufficient to overcome all opposition. They will take every step in their power to prevent any rising of the native population.

France is of the same opinion as Great Britain, on account of German activity which has been noticed near Bonar and Ekododo.

COUNT DE LALAING.

Notification of state of war with Turkey, November 4, 1914.

[British Parliamentary Papers, Misc. No. 13 (1914).]

No. 184.—Sir Edward Grey to Sir G. Buchanan, Sir F. Bertie, and Sir C. Greene.

FOREIGN OFFICE, November 4, 1914.

SIR: Tewfik Pasha called upon me this afternoon and informed me that he had received instructions to ask for his passports, as His Majesty's ambassador had already left Constantinople.

I expressed to Tewfik Pasha my personal regret at our official relations being terminated, as he had always acted in a loyal, straightforward, and friendly manner, and I had much appreciated the intercourse which we had had together during the past few years. I informed Tewfik Pasha that if his government wished that hostilities between the two countries should cease, the only chance was to dismiss the German naval and military missions, and especially the officers and crews of the *Goeben* and *Breslau*. So long as German officers remained in complete naval and military control at Constantinople, it was clear that they would continue to make war against us.

I am, &c.

E. GREY.

Proclamation of state of war with Turkey, November 5, 1914.¹

[London Gazette, November 5, 1914, pp. 8997, 9011; Manual of Emergency Legislation, Supp. No. 2, p. 1.]

Owing to hostile acts committed by Turkish forces under German officers, a state of war exists between Great Britain and Turkey as from to-day.

FOREIGN OFFICE, November 5, 1914.

Proclamation of breaking diplomatic relations with Bulgaria, October 13, 1915.

[London Times, Oct. 13, 1915, p. 9f.]

His Majesty's Government announce that the Bulgarian minister has been handed his passports and that diplomatic relations between Great Britain and Bulgaria have been broken off.

Proclamation of war against Bulgaria, 10 p. m., October 15, 1915.

[London Gazette, Oct. 16, 1915, pp. 10229, 10257.]

The King of the Bulgarians, an ally of the central powers, being now in a state of war with the King of Serbia, an ally of His Majesty King George V, His Majesty's government have notified the Swedish Minister in London, who is in charge of Bulgarian interests in this country, that a state of war exists between Great Britain and Bulgaria as from 10 p. m. to-night.

FOREIGN OFFICE, October 15, 1915.

¹ Following this proclamation, Cypress was annexed by an order in council Nov. 5, 1914, and Egypt declared a protectorate by a notification of Dec. 18, 1914. (London Gazette, Nov. 5, 1914, Dec. 18, 1914; Manual of Emergency Legislation, Supp. 2, p. 76; Supp. 3, p. 371.)

MINED AREAS.

Memorandum reserving right to lay mine fields, August 11, 1914.

[Memorandum from the British Embassy.]

His Majesty's Government announce that the Bulgarian Minister of State has the honor to communicate to him the following telegram which he received last night from the foreign office:

The Germans are scattering contact mines indiscriminately about the North Sea in the open sea without regard to the consequences to merchantmen. Two days ago four large merchant ships were observed to pass within a mile of the mine field which sank H. M. S. *Amphion*. The waters of the North Sea must therefore be regarded as perilous in the last degree to merchant shipping of all nations. In view of the methods adopted by Germany the British Admiralty must hold themselves fully at liberty to adopt similar measures in self defense which must inevitably increase the dangers to navigation in the North Sea. But, before doing so, they think it right to issue this warning in order that merchant ships under neutral flags trading with North Sea ports should be turned back before entering the area of such exceptional danger.

BRITISH EMBASSY,

*Washington, August 11, 1914.**Memorandum relating to navigation through enemy mine fields
August 14, 1914.*

[Memorandum from the British Embassy.]

The British Embassy presents its compliments to the Department of State and, with reference to its memorandum of August 11 on the subject of contact mines in the North Sea, has the honor to communicate the following telegram received from His Majesty's Government:

German action and the measures it may entail are a source of grave danger to shipping. British Admiralty will, however, from time to time and subject to naval exigencies, try to indicate certain routes and channels for trade to pass to the Scheldt, and they do not wish in any degree to keep trade away from the English Channel.

Difficulties in the way of a guarantee for the Rhine, which is nearer to the center of war, are at present insuperable.

BRITISH EMBASSY,

*Washington, August 14, 1914.**Memorandum relating to enemy mine fields, August 20, 1914.*

[Memorandum from the British Embassy.]

The British ambassador presents his compliments to the Secretary of State and has the honor to communicate the text of a telegram received to-day from Sir E. Grey:

His Majesty's Government have learned that on or about August 26 an Iceland trawler is reported to have struck a mine 25 miles off the Tyne

and sunk, and at least one foreign newspaper has stated that the mine was English. Although the German action in laying mines has forced the Admiralty to reserve to themselves the right to do likewise, the statement already made by His Majesty's Government that no British mines have been laid remains absolutely true at this moment. The mines off the Tyne were laid 30 miles to seaward, not as part of any definite military operation nor by German ships of war, but by German trawlers, of which a considerable number appear to have been engaged on this work, the number of one such trawler actually seen to be doing this was A. E. 24 *Emden*. It would be well if the conduct of those who ordered her to perform this act were carefully considered by neutral powers.

BRITISH EMBASSY,

Washington, August 20, 1914.

Memorandum relating to enemy mine fields and importance that merchant vessels stop at British ports, August 23, 1914.

[Memorandum from the British Embassy.]

His Majesty's ambassador presents his compliments to the Secretary of State and has the honor to communicate to him the following telegram received from the foreign office yesterday summarizing the naval position of the war up to date:

The Admiralty wish to draw attention to their previous warning to neutrals of the danger of traversing the North Sea. The Germans are continuing their practice of laying mines indiscriminately upon the ordinary trade routes. These mines do not conform to the conditions of The Hague convention; they do not become harmless after a certain number of hours; they are not laid in connection with any definite military scheme, such as the closing of a military port or as a distinct operation against a fighting fleet, but appear to be scattered on the chance of catching individual British war or merchant vessels. In consequence of this policy neutral ships, no matter what their destination, are exposed to the gravest dangers. Two Danish vessels, the S. S. *Maryland* and the S. S. *Broberg*, have, within the last 24 hours, been destroyed by these deadly engines in the North Sea while traveling on the ordinary trade routes at a considerable distance from the British coast. In addition to this, it is reported that two Dutch steamers, clearing from Swedish ports, were yesterday blown up by German mines in the Baltic. In these circumstances the Admiralty desire to impress not only on British but on neutral shipping the vital importance of touching at British ports before entering the North Sea in order to ascertain, according to the latest information, the routes and channels which the Admiralty are keeping swept and along which these dangers to neutrals and merchantmen are reduced as far as possible. The Admiralty, while reserving to themselves the utmost liberty of retaliatory action against this new form of warfare, announce that they have not so far laid any mines during the present war and that they are endeavoring to keep the sea routes open for peaceful commerce.

BRITISH EMBASSY,

Washington, August 23, 1914.

Notification of mined area, October 2, 1914.

[Memorandum from the British Embassy.¹]

Telegram from Sir Edward Grey to Sir Cecil Spring Rice, October 2, 1914.

The German policy of mine laying combined with their submarine activities makes it necessary on military grounds for Admiralty to adopt countermeasures. His Majesty's Government have therefore authorized a mine-laying policy in certain areas and a system of mine fields has been established and is being developed upon a considerable scale. In order to reduce risks to noncombatants the Admiralty announce that it is dangerous henceforward for ships to cross area between latitude $51^{\circ} 15'$ north and $51^{\circ} 40'$ north and longitude $1^{\circ} 35'$ east and 3° east. In this connection it must be remembered that the southern limit of the German mine field is latitude 52° north. Although these limits are assigned to the danger area, it must not be supposed that navigation is safe in any part of the southern waters of the North Sea. Instructions have been issued to His Majesty's ships to warn eastgoing vessels of the presence of this new mine field. You should inform government to which you are accredited without delay.

¹ The following notes modify the memorandum :

British secretary of state for foreign affairs to United States Embassy, May 2, 1916.

The secretary of state for foreign affairs presents his compliments to the United States ambassador and has the honor to acquaint him for the information of the United States Government that it has been found necessary to extend the eastern limit of the danger area of the British mine field off the Belgian coast, notified on October 2, 1914, so as to include the waters south of latitude $51^{\circ} 40'$ north, as far as the meridian of $3^{\circ} 20'$ east, instead of 3° east as previously notified.

Sir E. Grey would remind Dr. Page that the danger area as notified on October 2, 1914, comprised that situated between latitude $51^{\circ} 15'$ and $51^{\circ} 40'$ north and longitude $1^{\circ} 35'$ east and 3° east.

Mr. Page, United States ambassador to Great Britain, to the Secretary of State, May 29, 1916.

Respecting mine field off Belgian coast.

Foreign office informs me under date May 27 that the eastern limit of the danger area of the British mine field off the Belgian coast should be defined as the meridian of $3^{\circ} 18'$ east instead of $3^{\circ} 20'$ east as previously notified in error.

The following notices to mariners indicate the nature of the British mine-laying policy:

NOTICE TO MARINERS.¹

No. 1626 of the year 1914.

North Sea.

Caution with regard to mined areas.

In confirmation of the public notice, which has already been issued to the press, the following information is now promulgated.

Caution.—H. M. Government have authorized a mine-laying policy in certain areas, and a system of mine fields has been established and is being developed upon a considerable scale.

It is dangerous henceforth for ships to cross the area between the parallels of 51° 15' and 51° 40' north latitude and the meridians of 1° 35' and 3° 00' east longitude.

The Southern limit of the area in the North Sea in which mines have been laid by the enemy is, so far as is known at present, the fifty-second parallel of north latitude.

Remarks.—Although these limits are assigned to the dangerous areas, it must not be supposed that navigation is necessarily safe in any part of the southern waters of the North Sea.

Authority.—The lords commissioners of the Admiralty.

By command of their lordships,

J. F. PARRY, *Hydrographer.*

HYDROGRAPHIC DEPARTMENT, ADMIRALTY,

London, October 9, 1914.

NOTICE TO MARINERS.²

No. 618 of the year 1916.

North Sea.

Caution with regard to mined areas.

Former notice.—No. 541 of 1916; hereby canceled.

Caution.—Mariners are warned that a system of mine fields has been established by H. M. Government upon a considerable scale. All vessels are strongly advised to obtain a London Trinity House pilot when navigating between Great Yarmouth and the English Channel.

It is dangerous for vessels to enter the following areas:

(a) The area enclosed between the parallels of latitude 51° 15' north and 51° 40' north, and the meridians of longitude 1° 35' east and 3° 18' east.

(b) The area enclosed between the parallels of latitude 51° 40' north and 52° north, and the meridians of longitude 1° 55' east and 2° 32' east.

Remarks.—Although these limits are assigned to the danger areas, it must not be supposed that navigation is necessarily safe in any portion of the southern waters of the North Sea.

Note.—This notice is a repetition of notice No. 541, of 1916, with addition of the danger area specified in paragraph (b).

¹ London Gazette, Oct. 13, 1914, p. 8158. See also notices to mariners, No. 1706 of 1914, London Gazette, Nov. 6, 1914, p. 9034; No. 149 of 1915, London Gazette, Mar. 5, 1915, Man. Em. Leg., Supp. No. 3, 351.

² London Gazette, June 13, 1916, p. 5835.

(Notice No. 618 of 1916.)

Authority.—The lords commissioners of the Admiralty. (H. 3512/16.)
By command of their lordships,

J. F. PARRY, *Hydrographer.*

HYDROGRAPHIC DEPARTMENT, ADMIRALTY,
London, June 9, 1916.

NOTICE TO MARINERS.¹

No. 700 of the year 1915, August 16, 1915.

*Caution when approaching British ports.*PART I.—*Closing of ports.**Former notice.*—No. 274 of 1915, hereby canceled.

(1) My lords commissioners of the Admiralty, having taken into consideration [the fact]² that [local or other circumstances may arise in which] it may be necessary, [on account of periodical exercises, manoeuvres or otherwise], to forbid all entrance to certain ports of the Empire this is to give notice that on approaching the shores of the United Kingdom, or any of the ports or localities of the British Empire, referred to in Part III of this notice, a sharp lookout should be kept for the signals described in the following paragraph, and for the vessels mentioned in paragraph (5), Part II, of this notice, and the distinguishing and other signals made by them. In the event of such signals being displayed, the port or locality should be approached with great caution, as it may be apprehended that obstructions may exist.

(2) If entrance to a port is prohibited, three *red* vertical lights by night, or three *red* vertical balls by day, will be exhibited in some conspicuous position, in or near to its approach, which signals will also be shown by the vessels indicated in paragraph (5), Part II, of this notice.

If these signals are displayed, vessels must either proceed to the position marked "Examination anchorage" on the Admiralty charts and anchor there, or keep the sea.

(3) At all the ports or localities at home or abroad referred to in Part III of this notice, searchlights are occasionally exhibited for exercise.

Instructions have been given to avoid directing moveable searchlights during practice onto vessels under way, but mariners are warned that great care should be taken to keep a sharp lookout for the signals indicated in paragraph (2) above, when searchlights are observed to be working.

PART II.—*Examination service.*

(4) In [Under] certain circumstances it is also [may become] necessary to take special measures to examine vessels desiring to enter the ports or localities at home or abroad, referred to in Part III of this notice.

(5) In such case, vessels carrying the distinguishing flags or lights mentioned in paragraph (7) will be charged with the duty of examining ships which desire to enter the ports and of allotting positions in which they shall anchor. If Government vessels, or vessels belonging to the

¹ London Gazette, Aug. 20, 1915, p. 8304; Man. Em. Leg., Supp. No. 4, p. 158. With slight alteration this is a repetition of Notices to Mariners, Nos. 1 and 1805, of 1914, Nos. 1, 101, and 274, of 1915. (See Man. Em. Leg., Supp. No. 3, p. 357.)

² The words included in brackets [] appeared in the Notices of 1914 but were later omitted.

local port authority, are found patrolling in the offing, merchant vessels are advised to communicate with such vessels with a view to obtaining information as to the course on which they should approach the examination anchorage. Such communication will not be necessary in cases where the pilot on board has already received this information from the local authorities.

(6) As the institution of the examination service at any port will never be publicly advertised, especial care should be taken in approaching the ports, by day or night, to keep a sharp lookout for any vessel carrying the flags or lights mentioned in paragraph (7), and to be ready to "bring to" at once when hailed by her or warned by the firing of a gun or sound rocket.

In entering by night any of the ports mentioned in Part III, serious delay and risk will be avoided if four efficient all round lamps, two *red* and two *white*, are kept available for use.

(7) By day the distinguishing flags of the examination steamer will be a special flag (white and red horizontal surrounded by a blue border) and a blue ensign.

Also, three red vertical balls if the port is closed.

By night the steamer will carry—

(a) Three *red* vertical lights if the port is closed.

(b) Three *white* vertical lights if the port is open.

The above lights will be carried in addition to the ordinary navigation lights, and will show an unbroken light around the horizon.

(8) Masters are warned that, when approaching a British port where the examination service is in force, they must have the distinguishing signal of their vessel ready to hoist immediately the examination steamer makes the signal.¹

(9) Masters are warned that, before attempting to enter any of these ports when the examination service is in force, they must in their own interests strictly obey all instructions given to them by the examination steamer. In the absence of any instructions from the examination steamer they must proceed to the position marked "examination anchorage" on the Admiralty charts and anchor there, or keep the sea.

Whilst at anchor in the examination anchorage masters are warned that they must not lower any boats (except to avoid accident), communicate with the shore, work cables, move the ship, or allow anyone to leave the ship without permission from the examination steamer.

(10) In case of fog, masters [of vessels] are enjoined to use the utmost care, and the examination anchorage itself should be approached with caution.

(11) Merchant vessels when approaching ports are specially cautioned against making use of private signals of any description, either by day or night: the use of them will render a vessel liable to be fired on.

(12) The pilots attached to the ports will be acquainted with the regulations to be followed.

PART III. *Ports or localities referred to.*

United Kingdom.—Alderney, Barrow, Barry, Belfast, Berehaven, Blyth,² [Cardiff], Clyde, Cromarty, Dover, Falmouth, Firth of Forth, Guernsey, Hartlepool,^{C2} Harwich, Jersey, Lough Swilly, Milford Haven, Newhaven, Plymouth, Portland, Portsmouth, Queenstown, River Humber, River Mersey, River Tay, River Tees, River Thames, River Tyne, Scapa Flow, Sheerness, Sunderland.²

Canada.—Esquimalt, Halifax, Quebec.

Mediterranean.—Gibraltar, Malta.

¹ This section did not appear in the notices of 1914.

² Not in notices of 1914.

Indian Ocean.—Aden, Bombay, Calcutta, Colombo, Karachi, Madras, Mauritius, Rangoon.

China Sea.—Hongkong, Singapore.

Africa.—Durban, Sierra Leone, Simons Bay, Table Bay.

Australia.—Adelaide, Brisbane, Fremantle, Melbourne,¹ Newcastle, Sydney, Thursday Island.

Tasmania.—Hobart.

New Zealand.—Auckland, Otago, Port Lyttelton, Wellington.

West Indies.—Bermuda, Port Royal, Jamaica.

PART IV. *Sweeping operations.*

H. M. vessels are constantly engaged in sweeping operations off ports in the United Kingdom.

Whilst so engaged, they work in pairs, connected by a wire hawser, and are consequently hampered to a very considerable extent in their maneuvering powers.

With a view to indicating the nature of the work on which these vessels are engaged, they will show the following signals:

A black ball at the foremast head and a similar ball at the yardarm, or where it can best be seen, on that side on which it is dangerous for vessels to pass.

For the public safety, all other vessels, whether steamers or sailing craft, must keep out of the way of vessels flying this signal, and should especially remember that it is dangerous to *pass between* the vessels of a pair.

This notice is a repetition of Notice No. 274 of 1915, with the addition of Sunderland to the list of ports mentioned in Part III.

Authority.—The Lords Commissioners of the Admiralty.

By command of their lordships,

J. F. PARRY,
Hydrographer.

HYDROGRAPHIC DEPARTMENT, ADMIRALTY,
London, August 16, 1915.

Announcement of Mine-laying, November 3, 1914.

Announcement of the Admiralty.

[London Times, Nov. 3, 1914, page 6.]

During the last week the Germans have scattered mines in indiscriminately in the open sea on the main trade route from America to Liverpool via the north of Ireland. Peaceful merchant ships have already been blown up with loss of life by this agency. The White Star Liner *Olympic* escaped disaster by pure good luck. But for the warnings given by the British cruisers, other British and neutral merchant and passenger vessels would have been destroyed. These mines can not have been laid by any German ship of war. They have been laid by some merchant vessel flying a neutral flag which has come along the trade route as if for the purposes of peaceful commerce, and, while profiting to the full by the immunity enjoyed by neutral merchant ships, has wantonly and recklessly endangered the lives of all who travel on the sea, regardless of whether they are friend or foe, civilian or military in character.

¹ Not in notices of 1914.

Mine laying under a neutral flag and reconnaissance conducted by trawlers, hospital ships, and neutral vessels are the ordinary features of German naval warfare. In these circumstances, having regard to the great interests intrusted to the British Navy, to the safety of peaceful commerce on the high seas, and to the maintenance within the limits of international law of trade between neutral countries, the Admiralty feel it necessary to adopt exceptional measures appropriate to the novel conditions under which this war is being waged.

They therefore give notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft, and all other vessels will be exposed to the gravest dangers from mines which it has been necessary to lay, and from warships searching vigilantly by night and day for suspicious craft. All merchant and fishing vessels of every description are hereby warned of the dangers they encounter by entering this area except in strict accordance with Admiralty directions. Every effort will be made to convey this warning to neutral countries and to vessels on the sea, but from the 5th of November onward the Admiralty announces that all ships passing a line drawn from the northern point of the Hebrides through the Faroe Islands to Iceland do so at their own peril.

Ships of all countries wishing to trade to and from Norway, the Baltic, Denmark, and Holland are advised to come, if inward bound, by the English Channel and the Straits of Dover. There they will be given sailing directions which will pass them safely, so far as Great Britain is concerned, up the east coast of England to Farn Island, whence a safe route will, if possible, be given to Lindesnaes Lighthouse. From this point they should turn north or south according to their destination, keeping as near the coast as possible. The converse applies to vessels outward bound. By strict adherence to these routes the commerce of all countries will be able to reach its destination in safety, so far as Great Britain is concerned, but any straying, even for a few miles from the course thus indicated, may be followed by fatal consequences.¹

Directions for Navigation in Mined Areas November 30, 1914.

Navigation in the North Sea and English Channel.

It is requested that shipowners on receiving these instructions will use their utmost endeavor to communicate them as confidentially as possible to the masters of their vessels, impressing upon them the necessity for preventing the information from reaching the enemy. These instructions should not be allowed to come into the hands of any persons who are not directly affected by them.

¹ The same in essentials in U. S. Hydrographic Office, Notice to Mariners, No. 48 (3948), 1914.

The previous Notice on Navigation in the North Sea (dated October 14, 1914) is canceled.

A. GENERAL INSTRUCTIONS.

1. Local naval or military authorities may, at any time when they consider it necessary, close a port during certain hours without previous warning.

2. Attention is called to the notice on the inside cover of all Admiralty Sailing Directions and their Supplements, and to the following Admiralty Notices to Mariners of 1914:

No. 1 of January 1.

No. 1528 of September 14; Thames approaches.

No. 1690 of October 28; River Thames.

No. 1706 of November 3; mined areas.

No. 1727 of November 7; River Mersey.

No. 1730 of November 10; Orkney Islands.

No. 1752 of November 16; East coast ports.

In the Notice to Mariners No. 1752 of November 16, the position of the pilotage station of the River Humber to be established by November 27 should read "7 miles E. S. E. (magnetic) from Spurn Point."

3. All lights may be extinguished and other aids to navigation removed or altered at any time without previous warning.

B. MINES.

4. So far as is known at present there are, in addition to the mine fields mentioned in Admiralty Notice to Mariners, No. 1752, of 1914, the following principal mined areas:

(a) Off the Tyne.

(b) Off Flamborough Head.

(c) Off Southwold (southern limit $51^{\circ} 54'$ north).

(d) British mine field within latitude $51^{\circ} 15'$ north and $51^{\circ} 40'$ north, longitude $1^{\circ} 35'$ east and 3° east.

C. SPECIAL INFORMATION AS TO ENGLISH CHANNEL AND DOWNS.

5. On and after December 10 lights, buoys, and fog signals in the English Channel and the Downs eastward of a line joining Selsey Bill and Cape Barfleur and south of the parallel $51^{\circ} 20'$ north will be liable to extinction or alteration without further notice.

Trinity House pilot stations will be established as follows by December 10:

St. Helens, Isle of Wight: Where ships proceeding up Channel can obtain pilots capable of piloting as far as Great Yarmouth.

Great Yarmouth: Where ships from the North Sea bound for the English Channel or intermediate ports can obtain pilots capable of piloting as far as the Isle of Wight.

Dover: Where ships from French channel ports, but no other, can obtain pilots for the North Sea.

The Sunk Light Vessel: Where ships crossing the North Sea between the parallels $51^{\circ} 40'$ north and $51^{\circ} 54'$ north, but no others, can obtain pilots for the English Channel.

Pilots also can be obtained at London for the Channel and the North Sea.

6. Both before and after the above date (Dec. 10, 1914) all vessels entering the North Sea from the Channel, or vice versa, must pass through the Downs, where they will be given directions as to their route.

D. PASSAGES—GENERAL.

7. On and after December 10, 1914, vessels proceeding up or down Channel eastward of the Isle of Wight are very strongly advised to take pilots, as navigation will be exceedingly dangerous without their aid (see par. 5).

8. Vessels proceeding up or down the east coast should keep within 3 miles of the coast when consistent with safe navigation. The only exception to this is when passing the mouth of the Tyne. Here all vessels should pass not less than 4 miles but not more than 8 miles from the coast between Sunderland and Blyth. Vessels bound to the Tyne must take a pilot off one of the above ports, as stated in Admiralty Notice to Mariners, No. 1752. of 1914.

E. PARTICULAR PASSAGES.

[NOTE.—In each case return voyages should be made on same routes.]

9. East coast ports to French ports: See paragraphs 5, 6, and 8.

10. East coast ports to Dutch ports: Proceed as directed in paragraphs 5 and 8. Leave the English coast between the parallels of $51^{\circ} 40'$ north and $51^{\circ} 45'$ north; proceed between these parallels as far as longitude 3° east, shape course thence to destination. Vessels using this route (which passes between the British and German mine fields) must clearly understand that they do so *entirely* at their own risk.

11. East coast ports to Scandinavian or Danish ports: Proceed as directed in paragraphs 5 and 8 as far as Farn Island; then steer for the vicinity of Lindesnaes, and thence to destination, keeping in territorial waters.

12. From Atlantic and Irish ports or ports on the south or west coasts of Great Britain to Scandinavian or Danish ports: Proceed via English Channel, being guided by paragraphs 5, 6, 7, 8, and 11.

13. Sailing vessels bound to Scandinavian or Danish ports: Pass to westward of Ireland and of St. Kilda. Then make the Faroe Islands, and proceed from thence to destination, keeping 50 miles to the north of the Shetland Islands.

14. All vessels bound from east coast ports to west coast ports in the United Kingdom, and vice versa, must pass through the English Channel, and not round the north of Scotland.

ADMIRALTY WAR STAFF (TRADE DIVISION),

November 30, 1914.

Directions for navigation in mined areas, May 15, 1915.

Navigation in the North Sea and British home waters.¹

The previous Notice on Navigation in the North Sea and English Channel (dated Nov. 30, 1914), is canceled.

A.—GENERAL INSTRUCTIONS.

1. Local naval or military authorities may, at any time when they consider it necessary, close a port during certain hours without previous warning.

2. Before leaving ports in the United Kingdom masters of vessels should be careful to obtain the latest Admiralty Notices to Mariners. Attention is called to the notice on the inside cover of all Admiralty Sailing Directions and their supplements, and to the

¹ The following notes serve to explain these directions, especially article 11:

British foreign office to United States Embassy June 5, 1915.

I did not fail to refer to the proper department of His Majesty's Government the notes which your excellency was good enough to address to me on the 22d and 29th ultimo inquiring as to the Admiralty announcement canceling the notice on navigation in the North Sea of November 30, 1914.

I have the honor to state in reply that the notice on navigation in the North Sea dated May 15 introduced no new regulations with regard to the north-about route. The notice was merely intended to summarize existing practice which has been evolved with the object of insuring that trade passing north-about shall be limited in amount and reputable in character.

Many applications for vessels to use the north-about route have been received through the legations of the Scandinavian powers in London and permission has been granted.

I have the honor to add that any similar applications which may be made on behalf of United States vessels would, of course, receive equal treatment.

British foreign office to United States Embassy July 22, 1915.

I did not fail to refer to the proper department of His Majesty's Government the note which your excellency was so good as to address to me on the 18th ultimo regarding the Admiralty announcement canceling the notice on navigation in the North Sea on November 30, 1914.

I have now the honor to inform your excellency that the action of His Majesty's Government in indicating routes to be followed by neutral merchant vessels in the vicinity of the British Isles and in the North Sea is based upon the fact that merchant vessels passing through the North Sea run very grave risk unless they act in strict accordance with the directions of the Admiralty. Before issuing such special directions to

following Admiralty Notices to Mariners and any subsequent ones that may be issued:

No. 1738 of November 13, 1914; River Medway.

No. 1812 of December 10, 1914; Bristol Channel.

No. 45 of January 15, 1915; Yarmouth Roads.

No. 137 of February 22, 1915; Irish Channel, North Channel.

No. 165 of March 8, 1915; River Humber pilotage.

No. 228 of March 26, 1915; Dover Strait. Light vessels established.

No. 239 of March 27, 1915; North Sea, River Thames, and English Channel.

No. 258 of April 3, 1915; Portland Harbor.

No. 274 of April 7, 1915; Caution when approaching British ports.

No. 391 of May 5, 1915; Firth of Forth, Moray Firth, Scapa Flow.

No. 408 of May 8, 1915; River Tyne boom defense. Entrance Signals and Traffic Regulations.

3. Care must be taken at all times to ensure masters being in possession of the latest Notices to Mariners.

4. Any lights may be extinguished and other aids to navigation removed or altered at any time without previous warning. (Admiralty Notice to Mariners No. 1627 of Oct. 9, 1914.)

B.—MINES.

5. So far as is known at present there are, in addition to the mine-fields mentioned in Admiralty Notice to Mariners No. 391 of May 5, 1915, the following principal-mined areas:

(a) Off the Tyne.

a neutral vessel the Admiralty desires to be assured that the vessel's voyage is undertaken with the knowledge and consent of the government of the country whose flag she flies, and for this reason it is necessary that the application by a neutral vessel for advice as to special routes should be supported by the diplomatic representative of the government in question.

If such support to the application is not given, neutral vessels will not receive the special instructions as to the north-about route and will be advised to go south-about where they can be supplied with the latest warnings and obtain the services of pilots where necessary.

British foreign office to United States Embassy August 17, 1915.

I have the honor to inform your excellency in reply that in principle His Majesty's Government would desire that neutral vessels passing north-about from one neutral port to another should sail with the knowledge and consent of the government of the country whose flag they fly and should follow a track similar as far as possible to that used by vessels sailing from British ports. The difficulty of insuring this is, however, so considerable and the responsibility of His Majesty's Government in the matter is so slight that no endeavor is being made in practice to secure any such limitation of sailings.

(b) Off Flamborough Head.

(c) Off Southwold (southern limit $50^{\circ} 54'$ north.)

(d) British mine field between latitude $51^{\circ} 15'$ north and latitude $51^{\circ} 40'$ north, and between longitude $1^{\circ} 35'$ east and longitude 3° east.

C.—PASSAGES—GENERAL.

6. All vessels entering the North Sea from the English Channel must pass between the two light vessels off Folkestone (see Admiralty Notice to Mariners No. 228 of 1915), and proceed to the Downs, keeping inshore of an imaginary line joining the southernmost of the two light vessels to the South Goodwin Light Vessel. Further instructions as to routes can be obtained in the Downs.

7. Vessels proceeding up or down the east coast should keep within 3 miles of the coast when consistent with safe navigation.

D.—PARTICULAR PASSAGES.

(NOTE.—In each case the return voyage should be made on the same route.)

8. *East coast ports to Channel and French ports.*—Proceed to the Downs, following the directions in paragraph 7 and Admiralty Notice to Mariners, No. 239 of 1915. At the Downs further instructions will be obtained.

9. *East coast ports to Dutch ports.*—Proceed as directed in paragraph 7 and Admiralty Notice to Mariners No. 239 of 1915. Leave the English coast between the parallels $51^{\circ} 40'$ north and $51^{\circ} 54'$ north; proceed between these parallels as far as longitude 3° east; shape course thence to destination. Vessels using this route (which passes between the British and German mine fields) must clearly understand that they do so entirely at their own risk.

10. *East coast ports to Scandinavian ports.*—Proceed as directed in paragraph 7 and Admiralty Notice to Mariners No. 239 of 1915, as far as Farn Island; then steer for Lindesnaes and thence to destination, keeping in territorial waters. The route from St. Abbs' Head to Stavanger may be used as an alternative to the above route.

11. British and allied vessels wishing to use the north-about route should apply to the customs for directions.

Neutral vessels wishing to use the north-about route should be informed that application for permission to do so must be obtained through their diplomatic representatives and that, failing such permission, they must proceed south-about.

In no circumstances are vessels allowed to pass through the Minches or through the Pentland Firth.

12. *Sailing vessels from Atlantic to Scandinavian ports.*—Pass to westward of Ireland and St. Kilda. Then make the Faroe

Islands and proceed thence to destination, passing to the northward of the Shetland Islands and keeping 50 miles from them.

ADMIRALTY WAR STAFF (TRADE DIVISION), *May 15, 1915.*

Notification of mined areas, January 25, 1917.

In view of the unrestricted warfare carried on by Germany at sea by means of mines and submarines not only against the allied powers but also against neutral shipping, and the fact that merchant ships are constantly sunk without regard to the ultimate safety of their crews, His Majesty's Government give notice that on and after the 7th proximo the undermentioned area in the North Sea will be rendered dangerous to all shipping by operations against the enemy, and it should therefore be avoided.

Area comprising all the waters except Netherland and Danish territorial waters lying to the southward and eastward of a line commencing 4 miles from the coast of Jutland in latitude 56° north, longitude 8° east from Greenwich and passing through the following positions: Latitude 56° north, longitude 6° east, latitude $54^{\circ} 45'$ east, thence to a position in latitude $53^{\circ} 37'$ north, longitude 5° east, 7 miles off the coast of the Netherlands.

To meet the needs of the Netherland coastal traffic which can not strictly confine itself to territorial waters owing to navigational difficulties a safe passage will be left to the southward of a line joining the following points: Latitude $53^{\circ} 27'$ north, longitude 5° east, latitude $53^{\circ} 31'$ north, longitude $5^{\circ} 30'$ east, latitude $53^{\circ} 34'$ north, longitude 6° east, latitude $53^{\circ} 39'$ north, longitude $6^{\circ} 23'$ east.

Notification of mined areas, February 13, 1917.

North Sea.—Caution with regard to dangerous area.

Caution.—In view of the unrestricted warfare carried on by Germany at sea by means of mines and submarines not only against the allied powers, but also against neutral shipping, and the fact that merchant ships are constantly sunk without regard to the ultimate safety of their crews, His Majesty's Government give notice that on and after February 7, 1917, the undermentioned area in the North Sea will be rendered dangerous to all shipping by operations against the enemy, and it should therefore be avoided.

Dangerous area.—The area comprising all the waters except Netherland and Danish territorial waters lying to the southward and eastward of a line commencing four miles from the coast of Jutland in latitude 56° north, longitude 8° east, and passing through the following positions: Latitude 56° north, longitude 6° east, and latitude $54^{\circ} 45'$ north, longitude $4^{\circ} 30'$ east, thence to a position in latitude $53^{\circ} 27'$ north, longitude 5° east, 7 miles from the coast of The Netherlands.

To meet the needs of the coastal traffic which can not strictly confine itself to territorial waters owing to navigational difficulties, it will be safe to navigate between the coast of Jutland and a line passing through the following positions: Latitude 56° north, longitude 8° east, latitude $55^{\circ} 40'$ north, longitude 8° east, latitude $55^{\circ} 36'$ north, longitude $7^{\circ} 15'$ east, latitude $55^{\circ} 32'$ north, longitude $7^{\circ} 15'$ east, latitude $55^{\circ} 22'$ north, longitude $7^{\circ} 45'$ east, latitude $55^{\circ} 19'$ north, longitude $8^{\circ} 4'$ east, latitude $55^{\circ} 22'$ north, longitude $8^{\circ} 19'$ east, which is 3 miles from the coast of Fano Island.

Also a safe passage will be left along the Netherland coast southward of a line joining the following positions: Latitude $53^{\circ} 27'$ north, longitude 5° east, latitude $53^{\circ} 31\frac{1}{2}'$ north, longitude $5^{\circ} 30'$ east, latitude $53^{\circ} 34'$ north, longitude 6° east, latitude $53^{\circ} 39'$ north, longitude $6^{\circ} 23'$ east.

Notification of mined area, March 21, 1917.

As from April 1, 1917, the dangerous area will comprise all the waters except Danish and Netherlands territorial waters lying to the southward and eastward of a line commencing 3 miles from the coast of Jutland on the parallel of latitude 56° north and passing through the following positions:

One. Latitude 56° north, longitude 6° east.

Two. Latitude $54^{\circ} 45'$ north, longitude $4^{\circ} 30'$ east.

Three. Latitude $53^{\circ} 23'$ north, longitude $5^{\circ} 1'$ east.

Four. Latitude $53^{\circ} 25'$ north, longitude $5^{\circ} 5\frac{1}{2}'$ east, and thence to the eastward following the limit of Netherlands territorial waters.

Notification of extension of mined area, April 27, 1917.

Admiralty Notice 434, dated April 26, cancels No. 319, entitled caution with regard to dangerous area. New notice repeats former preamble and states that on and after May 3, 1917, will be further extended as undermentioned.

Dangerous area.—The area comprising all the waters except Netherlands and Danish territorial waters lying to the southward and eastward of a line commencing 3 miles from the coast of Jutland on the parallel of latitude 56° north, and passing through the following positions: First. Latitude 56° north, longitude 6° east. Second. Latitude $54^{\circ} 45'$ north, longitude $4^{\circ} 30'$ east. Third. Latitude $53^{\circ} 15'$ north, longitude $4^{\circ} 30'$ east. Fourth. Latitude $53^{\circ} 23'$ north, longitude $4^{\circ} 50'$ east. Fifth. Latitude $53^{\circ} 23'$ north, longitude $5^{\circ} 01'$ east. Sixth. Latitude $53^{\circ} 25'$ north, longitude $5^{\circ} 05\frac{1}{2}'$ east, and from thence to the eastward, following the limit of Netherlands territorial waters.

BLOCKADES AND COMMERCIAL RESTRICTIONS.

Notification, blockade of the coast of German East Africa, February 23, 1915.

[London Gazette, Feb. 26, 1915, p. 1975; Manual of Emergency Legislation, Supp. No. 3, p. 292; Journal Officiel, Mar. 5, 1915, p. 1159.]

FOREIGN OFFICE, *February 23, 1915.*

His Majesty's Government have decided to declare a blockade of the coast of German East Africa as from midnight, February 28–March 1. The blockade will extend along the whole coast, including the islands, i. e., from latitude 4° 41' south to latitude 10° 40' south.

Four days' grace from the time of the commencement of the blockade will be given for the departure of neutral vessels from the blockaded area.

Notification, blockade of the coast of the Cameroons, Apr. 24, 1915.¹

[London Gazette, Apr. 27, 1915, p. 4060; Manual of Emergency Legislation, Supp. No. 3, p. 293.]

FOREIGN OFFICE, *April 24, 1915.*

His Majesty's Government have decided to declare a blockade of the coast of the Cameroons as from midnight April 23–24. The blockade will extend from the entrance of the Akwayafe River to Bimbia Creek, and from the Bengue mouth of the Sanaga River to Campo.

Forty-eight hours' grace from the time of the commencement of the blockade will be given for the departure of neutral vessels from the blockaded area.

Notification, restriction of Cameroons blockade, January 11, 1916.

[London Gazette, Jan. 11, 1916, p. 447.]

With reference to the notification, dated April 24, 1915, which appeared in the London Gazette of April 27 last, His Majesty's Government give notice that the blockade of the coast of Cameroons has been raised so far as concerns the coast line from the Akwayafe River to Bimbia Creek. The blockade still remains in force from the Bengue mouth of the Sanaga River to Campo.

Foreign Office, January 8,² 1916.

¹ See French notifications, *supra*, p. 91.

² This appears to be an error for Jan. 11; see following notification.

Notification, raising of Cameroons blockade, February 29, 1916.

[London Gazette, Feb. 29, 1916, p. 2238.]

With reference to the notification dated January 11, 1916, which appeared in the London Gazette of that date, His Majesty's Government give notice that the blockade of the coast of the Cameroons, which had been maintained in force from the Benge mouth of the Sanaga River to Campo, is completely raised as from midnight (Greenwich time), February 29–March 1.

Notification, blockade of the coast of Asia Minor, including entrance to Dardanelles, June 1, 1915.

[London Gazette, June 4, 1915, p. 5386; Manual of Emergency Legislation, Supp. No. 4, p. 102.]

FOREIGN OFFICE, *June 1, 1915.*

His Majesty's Government have decided to declare a blockade of the coast of Asia Minor, commencing at noon on June 2. The area of the blockade will extend from latitude $37^{\circ} 35'$ north to latitude $40^{\circ} 5'$ north, and will include the entrance to the Dardanelles. Seventy-two hours' grace from the moment of the commencement of the blockade will be given for the departure of neutral vessels from the blockaded area.

Notification, blockade of coast of Bulgaria, October 16, 1915.

[London Gazette, Oct. 19, 1915, p. 10261.]

FOREIGN OFFICE, *October 16, 1915.*

The vice admiral commanding the Eastern Mediterranean Squadron of the allied fleets has declared a blockade of the Bulgarian coasts in the Aegean Sea, commencing from 6 a. m. on the 16th instant. Forty-eight hours' grace from the moment of the commencement of the blockade has been assigned for the departure of neutral vessels from the blockaded area.

Notification, extension of blockade of coast of Aegean Sea, September 20, 1916.

[London Gazette, Sept. 22, 1916, p. 9208.]

FOREIGN OFFICE, *September 20, 1916.*

The limits of the blockade of the coast of the Aegean Sea, notified in the London Gazette of October 19, 1915, have been extended westward as far as the mouth of the Struma River, in $40^{\circ} 46'$ north latitude and $23^{\circ} 53'$ east longitude. The blockade takes effect in the area thus added from the 16th instant.

Neutral ships already in ports or at places on the newly blockaded coasts are being allowed until 8 a. m. on the 21st instant to leave the blockaded area.

Declaration by Great Britain and France of retaliatory measures against Germany, March 1, 1915.

[Journal Officiel, Mar. 16, 1915, p. 1388.]

Germany has declared the English Channel, the northern and western coasts of France, as well as the waters surrounding the British Isles to be a "war zone," and has officially proclaimed that "all enemy vessels found in this zone will be destroyed and that neutral vessels there might be in danger." This is in reality a claim to torpedo at sight, without regard for the safety of crew and passengers, any merchant vessel under any flag. As it is not in the power of the German Admiralty to maintain any vessel on the surface in these waters, this attack can only be carried out by submarine means. International law and the custom of nations regarding attack against commerce have always presumed that the first duty of the captor of a merchant vessel is to take it before a prize court where it can be judged, where the regularity of the capture can be determined, and where neutrals may recover their cargo. To sink a captured vessel is in itself a questionable act, to which recourse can be had only under extraordinary circumstances and after measures have been taken to assure the safety of all the crew and the passengers, if there are passengers on board. The responsibility of distinguishing between neutral and enemy cargo, as well as between neutral and enemy vessels, is manifestly incumbent on the attacking vessel, whose duty it is to verify the status and the character of the vessel and its cargo, as well as to place all papers in safety, before sinking or even making a capture. Also the duty toward humanity consisting in assuring the safety of crews of merchant vessels, whether they are neutral or enemy, is an obligation for every belligerent. It is on this basis that all previous discussions of the law aiming at regulating the conduct of war at sea have been conducted.

In fact, a German submarine is incapable of fulfilling any one of these obligations. It exercises no local power on the waters in which it operates. It does not bring its capture within the jurisdiction of a prize court. It does not carry any prize crew which it can put aboard a prize. It employs no effective means of distinguishing between a neutral and an enemy vessel. It does not, by taking them on board, assure the safety of the crew and passengers of the vessel which it sinks. Its methods of war are consequently entirely outside the observance of all international texts governing operations against commerce in time of war.

The German declaration substitutes for regulated capture, blind destruction.

Germany adopts these methods against peaceful merchants and noncombatant crews with the avowed intention of preventing merchandise of every kind (including provisions for feeding the civil population) from entering or leaving the British Isles and northern France. Her adversaries are consequently forced to have recourse to measures of retaliation, so as to prevent reciprocally merchandise of all kinds from reaching or leaving Germany. However, these measures will be enforced by the French and British Governments without risk, either for the vessels or the lives of neutrals and of noncombatants, and in strict conformity with humane principles.

Consequently, the French Government and the British Government consider themselves free to stop and conduct into their ports vessels carrying merchandise presumably destined for the enemy, property of the enemy, or coming from the enemy. These vessels will not be confiscated unless they shall be liable to be condemned for other reasons. The treatment of vessels and cargoes which have gone to sea before this date will not be modified.

*Order in council, retaliatory measures against trade of Germany,
March 11, 1915.*¹

[London Gazette, Mar. 15, 1915, p. 2605; Man. Em. Leg., Supp. No. 3, p. 513.]

1915. No. 206.

At the court at Buckingham Palace, the 11th day of March, 1915.
Present, the King's Most Excellent Majesty in Council.

Whereas the German Government has issued certain orders, which, in violation of the usages of war, purport to declare the waters surrounding the United Kingdom a military area, in which all British and allied merchant vessels will be destroyed, irrespective of the safety of the lives of passengers and crew, and in which neutral shipping will be exposed to similar danger in view of the uncertainties of naval warfare;

And whereas in a memorandum accompanying the said orders neutrals are warned against intrusting crews, passengers, or goods to British or allied ships;

And whereas such attempts on the part of the enemy give to His Majesty an unquestionable right of retaliation;

And whereas His Majesty has therefore decided to adopt further measures in order to prevent commodities of any kind from reaching or leaving Germany, though such measures will be enforced without risk to neutral ships or to neutral or noncombatant life, and in strict observance of the dictates of humanity.

¹ For similar French measures, see *supra*, p. 94.

And whereas the allies of His Majesty are associated with him in the steps now to be announced for restricting further the commerce of Germany:

His Majesty is therefore pleased, by and with the advice of his Privy Council, to order and it is hereby ordered as follows:

I. No merchant vessel which sailed from her port of departure after March 1, 1915, shall be allowed to proceed on her voyage to any German port.

Unless the vessel receives a pass enabling her to proceed to some neutral or allied port to be named in the pass, goods on board any such vessel must be discharged in a British port and placed in the custody of the marshal of the prize court. Goods so discharged, not being contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the court, upon such terms as the court may in the circumstances deem to be just, to the person entitled thereto.

II. No merchant vessel which sailed from any German port after March 1, 1915, shall be allowed to proceed on her voyage with any goods on board laden at such port.

All goods laden at such port must be discharged in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the prize court. The proceeds of goods so sold shall be paid into court and dealt with in such manner as the court may in the circumstances deem to be just.

Provided, that no proceeds of the sale of such goods shall be paid out of court until the conclusion of peace, except on the application of the proper officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this order.

Provided also, That nothing herein shall prevent the release of neutral property laden at such enemy port on the application of the proper officer of the Crown.

III. Every merchant vessel which sailed from her port of departure after March 1, 1915, on her way to a port other than a German port, carrying goods with an enemy destination, or which are enemy property, may be required to discharge such goods in a British or allied port. Any goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and, unless they are contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the court, upon such terms as the court may in the circumstances deem to be just, to the person entitled thereto.

Provided, That this article shall not apply in any case falling within Articles II or IV of this order.

IV. Every merchant vessel which sailed from a port other than a German port after March 1, 1915, having on board goods which are of enemy origin or are enemy property may be required to discharge such goods in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the prize court. The proceeds of goods so sold shall be paid into court and dealt with in such manner as the court may in the circumstances deem to be just.

Provided, That no proceeds of the sale of such goods shall be paid out of court until the conclusion of peace except on the application of the proper officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this order.

Provided also, That nothing herein shall prevent the release of neutral property of enemy origin on the application of the proper officer of the Crown.

V. (1) Any person claiming to be interested in, or to have any claim in respect of, any goods (not being contraband of war) placed in the custody of the marshal of the prize court under this order, or in the proceeds of such goods, may forthwith issue a writ in the prize court against the proper officer of the Crown and apply for an order that the goods should be restored to him, or that their proceeds should be paid to him, or for such other order as the circumstances of the case may require.

(2) The practice and procedure of the prize court shall, so far as applicable, be followed *mutatis mutandis* in any proceedings consequential upon this order.

VI. A merchant vessel which has cleared for a neutral port from a British or allied port, or which has been allowed to pass having an ostensible destination to a neutral port, and proceeds to an enemy port, shall, if captured on any subsequent voyage, be liable to condemnation.

VII. Nothing in this order shall be deemed to affect the liability of any vessel or goods to capture or condemnation independently of this order:

VIII. Nothing in this order shall prevent the relaxation of the provisions of this order in respect of the merchant vessels of any country which declares that no commerce intended for or originating in Germany or belonging to German subjects shall enjoy the protection of its flag.

ALMERIC FITZROY.

*Order in council, retaliatory measures against German trade.
January 10, 1917.*

[London Gazette, Jan. 12, 1917, p. 489.]

ORDER IN COUNCIL.

At the court at Buckingham Palace, the 10th day of January, 1917.

Present, the King's Most Excellent Majesty in Council.

Whereas, on the 11th day of March, 1915, an order was issued by His Majesty in council directing that all ships which sailed from their ports of departure after the 1st day of March, 1915, might be required to discharge in a British or allied port goods which were of enemy origin or of enemy destination or which were enemy property;

And whereas such order in council was consequent upon certain orders issued by the German Government purporting to declare, in violation of the usages of war, the waters surrounding the United Kingdom a military area, in which all British and allied merchant vessels would be destroyed, irrespective of the lives of passengers and crew, and in which neutral shipping would be exposed to similar danger, in view of the uncertainties of naval warfare;

And whereas the sinking of British, allied, and neutral merchant ships, irrespective of the lives of passengers and crews, and in violation of the usages of war, has not been confined to the waters surrounding the United Kingdom, but has taken place in a large portion of the area of naval operations;

And whereas such illegal acts have been committed not only by German warships but by warships flying the flag of each of the enemy countries;

And whereas on account of the extension of the scope of the illegal operations carried out under the said German orders, and in retaliation therefor, vessels have been required under the provisions of the order in council aforementioned to discharge in a British or allied port goods which were of enemy origin or of enemy destination or which were enemy property, irrespective of the enemy country from or to which such goods were going or of the enemy country in which was domiciled the persons whose property they were;

And whereas doubts have arisen as to whether the term "enemy" in articles 3 and 4 of the said order in council includes enemy countries other than Germany;

Now, therefore, His Majesty is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, as follows:

1. In articles 3 and 4 of the said order in council of March 11, 1915, aforementioned, the terms "enemy destination" and "enemy origin" shall be deemed to apply and shall apply to goods destined

for or originating in any enemy country, and the term "enemy property" shall be deemed to apply and shall apply to goods belonging to any person domiciled in any enemy country.

2. Effect shall be given to this order in the application of the said order in council of March 11, 1915, to goods which previous to the date of this order have been discharged at a British or allied port, being goods of destination or origin or property which was enemy though not German, and all such goods shall be detained and dealt with in all respects as is provided in the said order in council of March 11, 1915.

J. C. LEDLIE.

*Order in council, retaliatory measures against German trade,
February 16, 1917.*

[London Gazette, Feb. 21, 1917, p. 1845.]

ORDER IN COUNCIL.

At the Court at Buckingham Palace, the 16th day of February, 1917.

Present, the King's Most Excellent Majesty in council.

Whereas, by an order in council dated the 11th day of March, 1915, His Majesty was pleased to direct certain measures to be taken against the commerce of the enemy;

And whereas the German Government has now issued a memorandum declaring that from the 1st February, 1917, all sea traffic will be prevented in certain zones therein described adjacent to Great Britain and France and Italy, and that neutral ships will navigate the said zones at their own risk:

And whereas similar directions have been given by other enemy powers;

And whereas the orders embodied in the said memorandum are in flagrant contradiction with the rules of international law, the dictates of humanity, and the treaty obligations of the enemy;

And whereas such proceedings on the part of the enemy render it necessary for His Majesty to adopt further measures in order to maintain the efficiency of those previously taken to prevent commodities of any kind from reaching or leaving the enemy countries, and for this purpose to subject to capture and condemnation vessels carrying goods with an enemy destination or of enemy origin unless they afford unto the forces of His Majesty and his allies ample opportunities of examining their cargoes, and also to subject such goods to condemnation;

His Majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that the following directions shall be observed in respect of all vessels which sail from their port of departure after the date of this order:

1. A vessel which is encountered at sea on her way to or from a port in any neutral country affording means of access to the enemy territory without calling at a port in British or allied terri-

tory shall, until the contrary is established be deemed to be carrying goods with an enemy destination, or of enemy origin and shall be brought in for examination, and if necessary, for adjudication before the prize court.

2. Any vessel carrying goods with an enemy destination, or of enemy origin shall be liable to capture and condemnation in respect of the carriage of such goods; provided that, in the case of any vessel which calls at an appointed British or allied port for the examination of her cargo, no sentence of condemnation shall be pronounced in respect only of the carriage of goods of enemy origin or destination, and no such presumption as is laid down in article 1 shall arise.

3. Goods which are found on the examination of any vessel to be goods of enemy origin or of enemy destination shall be liable to condemnation.

4. Nothing in this order shall be deemed to affect the liability of any vessel or goods to capture or condemnation independently of this order.

5. This order is supplemental to the orders in council of the 11th day of March, 1915, and the 10th day of January, 1917, for restricting the commerce of the enemy.

ALMERIC FITZROY.

MISCELLANEOUS WAR MEASURES.

*Convention with France relating to prizes captured during the present European war.*¹

[Signed at London, Nov. 9, 1914. Ratifications exchanged Dec. 21, 1914.]

[With the omission of art. 1, art. 2, par. 1, and art. 9, this convention with its annex is identical with those of May 10, 1854 (Holland, Manual of Naval Prize Law, pp. 76, 121), and of 1860 (Martens, N. R. G., 19: 460) between the same powers.]

His Majesty the King of the	Sa Majest��le Roi du Royaume-
United Kingdom of Great Britain	Uni de Grande - Bretagne et
and Ireland and of the British	d'Irlande et des Territoires bri-
Dominions beyond the Seas, Em-	tanniques au del�� des Mers,

¹ ACCESSION OF ITALY TO CONVENTION OF NOVEMBER 9, 1914.

[Great Britain, Treaty Series, 1917, No. 6.]

(1)

The Italian Ambassador to His Majesty's Secretary of State for Foreign Affairs.

(Translation.)

LONDON, January 15, 1917.

SIR: With reference to Viscount Grey of Fallodon's note of the 24th July, 1915, I have the honor to inform Your Excellency that the Italian Government have decided to accede to the convention concluded between Great Britain and France on the 9th November, 1914, relating to naval prizes during the present European war, notwithstanding the interpreta-

peror of India, and the President of the French Republic, being desirous to determine the jurisdiction to which the adjudication of joint captures which may be made during the course of the present war by the naval forces of the allied countries shall belong, or of captures which may be made of merchant vessels belonging to nationals of one of the countries by the cruisers of the other; and being desirous to regulate at the same time the mode of distribution of the proceeds of joint captures, have named as their Plenipotentiaries for that purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; The Right Honourable Sir Edward Grey, a Baronet of the United Kingdom, a Member of Parliament, His

Empereur des Indes, et le Président de la République française, voulant déterminer la juridiction à laquelle devra appartenir le jugement des prises qui, dans le cours de la guerre actuelle, pourront être opérées par les forces navales des pays alliés, ou des prises qui pourront être faites sur des navires marchands appartenant aux nationaux de l'un des pays par les croiseurs de l'autre et voulant régler en même temps le mode de répartition des produits des prises effectuées en commun, ont nommé pour leurs Plénipotentiaires à cet effet, savoir:

Sa Majesté le Roi de Grande-Bretagne et d'Irlande et des Territoires britanniques au delà des Mers, Empereur des Indes: Le Très Honorable Sir Edward Grey, Baronnet du Royaume-Uni, Membre du Parlement, Principal Secrétaire d'État de

tion which has been given by the British and French Governments to article 2 of the convention referred to in paragraphs 2 and 3 of the above-mentioned note.

In requesting Your Excellency to take note, in the name of the British Government, of the present declaration, I have the honor, etc.

IMPERIALI.

(2)

His Majesty's Secretary of State for Foreign Affairs to the Italian Ambassador.

FOREIGN OFFICE, *January 26 1917.*

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of the 15th instant, in which you are good enough to inform me of the accession of Italy to the convention between the United Kingdom and France of the 9th November, 1914, relative to prizes captured during the present war, as modified by the extended interpretation which has since been assigned by the contracting parties to article 2 thereof.

His Majesty's Government have taken due note of this communication, a certified copy of which will, in view of article 9 of the convention, be forwarded to the French and Russian Governments.

I have the honor, etc.

A. J. BALFOUR.

Majesty's Principal Secretary of State for Foreign Affairs; and

The President of the French Republic: His Excellency M. Paul Cambon, Ambassador of the French Republic at London;

Sa Majesté au Département des Affaires Étrangères; et

Le Président de la République française: Son Excellence M. Cambon, Ambassadeur de France à Londres;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed upon the following articles:—

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

ARTICLE 1.

The adjudication of neutral or enemy prizes shall belong to the jurisdiction of the country of the capturing vessel, without distinguishing whether that vessel was placed under the orders of the naval authorities of one or other of the allied countries.

ARTICLE 1^{er}.

Le jugement des prises ennemies ou neutres appartiendra à la juridiction du pays du bâtiment capteur, sans qu'il y ait à distinguer selon que celui-ci était placé sous les ordres des autorités navales de l'un ou de l'autre des pays alliés.

ARTICLE 2.¹

In case of the capture of a merchant vessel of one of the allied countries, the adjudica-

ARTICLE 2.

En cas de capture d'un bâtiment de la marine marchande de l'un des pays alliés, le jugement

¹ By exchange of notes (15th February–27th April, 1915) between His Majesty's Government and the French Government it has been agreed that, where both vessel and cargo are proceeded against under article 2 of the convention of the 9th November, 1914, the provisions of paragraph 1 of that article shall be held to apply in all cases. Where only the cargo of the vessel is concerned, however, it has been agreed that, in addition to the specific case provided for by article 2, paragraph 2—viz, where the original destination of the vessel was an enemy port—the principles laid down in that paragraph shall apply also to cases of contraband consigned to a neutral port and to cases of enemy property where the original destination was not a hostile port.

By exchange of notes (31st May, 1915–26th October, 1916) between His Majesty's Government and the Russian Government it has been agreed that a similar interpretation of article 2 of the convention shall be held to apply in the cases referred to.*

(Official footnote:)

* By the Imperial Russian ukase of the 10th/23d August, 1915, it is decreed that enemy cargo found in Russian vessels, and equally in allied vessels, which have been overtaken by the war in Russian ports or littoral waters, or which have entered therein during the war, is liable to confiscation on the order of the nearest prize court. (Great Britain. Treaty Series, 1916, No. 5.)

tion of such capture shall always belong to the jurisdiction of the country of the captured vessel. In such case the cargo shall be dealt with, as to the jurisdiction, in the same manner as the vessel.

When a merchant vessel of one of the allied countries, whose original destination was an enemy port, and which is carrying an enemy or neutral cargo liable to capture, has entered a port of one of the allied countries, the prize jurisdiction of that country is competent to pronounce the condemnation of the cargo. In such case the value of the goods, after deducting the necessary expenses, shall be placed to the credit of the Government of the allied country whose flag the merchant vessel flies.

ARTICLE 3.

When a joint capture shall be made by the naval forces of the allied countries, the adjudication thereof shall belong to the jurisdiction of the country whose flag shall have been borne by the officer having the superior command in the action.

ARTICLE 4.

When a capture shall be made by a cruiser of one of the allied nations in the presence and in the sight of a cruiser of the other, such cruiser having thus contributed to the intimidation of the enemy and encouragement of the captor, the adjudication thereof shall belong to the jurisdiction of the actual captor.

en appartiendra toujours à la juridiction du pays du bâtiment capturé; la cargaison suivra, en ce cas, quant à la juridiction, le sort du bâtiment.

Lorsqu'un navire de commerce allié, originairement destiné à un port ennemi, et portant une cargaison ennemie ou neutre sujette à capture, est entré dans le port d'un des pays alliés, la juridiction des prises de ce pays est compétente pour en prononcer la condamnation. En ce cas la valeur des marchandises, déduction faite des dépenses nécessaires, sera placée au crédit du Gouvernement du pays allié, sous le pavillon duquel le navire de commerce naviguait.

ARTICLE 3.

Lorsqu'une prise sera faite en commun par les forces navales des pays alliés, le jugement en appartiendra à la juridiction du pays dont le pavillon aura été porté par l'officier qui aura eu le commandement supérieur dans l'action.

ARTICLE 4.

Lorsqu'une prise sera faite par un croiseur de l'une des nations alliées en présence et en vue d'un croiseur de l'autre, qui aura ainsi contribué à intimider l'ennemi et à encourager le capteur, le jugement en appartiendra à la juridiction du capteur effectif.

ARTICLE 5.

In case of condemnation under the circumstances described in the preceding articles:

1. If the capture shall have been made by vessels of the allied nations whilst acting in conjunction, the net proceeds of the prize, after deducting the necessary expenses, shall be divided into as many shares as there were men on board the capturing vessels, without reference to rank, and the shares of each ally as so ascertained shall be paid and delivered to such person as may be duly authorised on behalf of the allied Government to receive the same; and the allocation of the amount belonging to each vessel shall be made by each Government according to the laws and regulations of the country.

2. If the capture shall have been made by cruisers of one of the allied nations in the presence and in sight of a cruiser of the other, the division, the payment, and the allocation of the net proceeds of the prize, after deducting the necessary expenses, shall likewise be made in the manner above mentioned.

3. If, in accordance with article 2, paragraph 1, a capture, made by a cruiser of one of the allied countries, shall have been adjudicated by the Courts of the other, the net proceeds of the prize, after deducting the necessary expenses, shall be made over in the same manner to the Government of the captor, to be distributed according to its laws and regulations.

ARTICLE 5.

En cas de condamnation dans les circonstances prévues par les articles précédents:

1. Si la capture a été faite par des bâtiments des nations alliées agissant en commun, le produit net de la prise, déduction faite des dépenses nécessaires, sera divisé en autant de parts qu'il y aura d'hommes embarqués sur les bâtiments capteurs, sans tenir compte des grades, et les parts revenant ainsi à chacune des nations alliées seront payées et délivrées à la personne qui sera dûment autorisée par le Gouvernement allié à les recevoir; et la répartition des sommes revenant aux bâtiments respectifs sera faite par les soins de chaque Gouvernement suivant les lois et les règlements du pays.

2. Si la prise a été faite par les croiseurs de l'une des nations alliées en présence et en vue d'un croiseur de l'autre, le partage, le paiement et la répartition du produit net de la prise, déduction faite des dépenses nécessaires, auront lieu également de la manière indiquée ci-dessus.

3. Si, conformément à l'article 2, alinéa 1, la prise, faite par un croiseur de l'un des pays alliés, a été jugée par les Tribunaux de l'autre, le produit net de la prise, déduction faite des dépenses nécessaires, sera remis de la même manière au Gouvernement du capteur, pour être distribué conformément à ses lois et règlements.

Franco-British Prize Convention, 1914.

ARTICLE 6.

The commanders of the vessels of war of the allied countries shall, with regard to the sending in and delivering up of prizes, conform to the instructions which are annexed to the present Convention, and which the two Governments reserve to themselves the right to modify by common consent, if it should become necessary.

ARTICLE 6.

Les commandants des bâtiments de guerre des pays alliés se conformeront, pour la conduite et la remise des prises, aux instructions jointes à la présente Convention, et que les deux Gouvernements se réservent de modifier, s'il y a lieu, d'un commun accord.

ARTICLE 7.

When, with a view to the execution of the present Convention, it shall become necessary to proceed to the valuation of a captured vessel of war, the calculation shall be according to the real value of the same; and the allied Government shall be entitled to delegate one or more competent officers to assist in the valuation. In case of disagreement, it shall be decided by lot which officer shall have the casting voice.

ARTICLE 7.

Lorsque, pour l'exécution de la présente Convention, il y aura lieu de procéder à l'estimation d'un bâtiment de guerre capturé, cette estimation portera sur sa valeur effective; et le Gouvernement allié aura la faculté de déléguer un ou plusieurs officiers compétents pour concourir à l'estimation. En cas de désaccord, le sort décidera quel officier devra avoir la voix prépondérante.

ARTICLE 8.

The present Convention shall be ratified, and the ratifications shall be exchanged in London as soon as possible.

ARTICLE 8.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres aussitôt que faire se pourra.

ARTICLE 9.

The non-signatory allied Powers shall be invited to accede to the present Convention.

A Power which desires to accede shall notify its intention

ARTICLE 9.

Les Puissances alliées non signataires seront invitées à adhérer à la présente Convention.

La Puissance qui désirera adhérer notifiera par écrit son

in writing to the Government of His Britannic Majesty, who shall immediately forward to the Government of the French Republic a duly certified copy of the notification.

intention au Gouvernement de Sa Majesté britannique, lequel transmettra immédiatement au Gouvernement de la République française une copie certifiée conforme de cette notification.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seals of their arms.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le cachet de leurs armes.

Done at London, in duplicate, the 9th day of November, 1914.

Fait à Londres, en double exemplaire, le 9 novembre, 1914.

(L. S.) E. GREY.

(L. S.) PAUL CAMBON.

ANNEX.

ANNEXE.

Instructions to the Commanders of Ships of War of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the French Republic.

Instructions pour les Commandants des Bâtiments de Guerre de Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et de la République française.

You will find enclosed a copy of a Convention which was signed on the 9th November, 1914, between His Majesty the King of the United Kingdom of Great Britain and Ireland and the President of the French Republic, regulating the jurisdiction to which shall belong the adjudication of the captures made by the allied naval forces, or of the captures of merchant vessels belonging to the nationals of either of the two countries which shall be made by the cruisers of the other, as likewise the mode of distribution of the proceeds of such joint captures.

Vous trouverez ci-joint copie d'une Convention signée le 9 novembre, 1914, entre Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et le Président de la République française, pour régler la juridiction à laquelle devra appartenir le jugement des prises opérées par les forces navales alliées, ou faites sur des navires marchands appartenant aux nationaux de l'un des deux États par les croiseurs de l'autre, ainsi que le mode de répartition du produit des prises effectuées en commun.

In order to ensure the execution of this Convention, you will conform yourself to the following instructions:—

Pour assurer l'exécution de cette Convention, vous aurez à vous conformer aux instructions suivantes:

ARTICLE 1.

Whenever, in consequence of a joint action, you are required to draw up the report or *procès-verbal* of a capture, you will take care to specify, with exactness, the names of the ships of war present during the action, as well as the names of their commanding officers, and, as far as possible, the number of men embarked on board those ships at the commencement of the action, without distinction of rank.

You will deliver a copy of that report or *procès-verbal* to the officer of the allied Power who shall have had the superior command during the action, and you will conform yourself to the instructions of that officer, as far as relates to the measures to be taken for the conduct and the adjudication of the joint captures so made under his command.

If the action has been commanded by an officer of your nation, you will conform yourself to the regulations of your own country, and you will confine yourself to handing over to the highest officer in rank of the allied Power who was present during the action, a certified copy of the report or of the *procès-verbal* which you shall have drawn up.

ARTICLE 1^{er}.

Lorsque, par suite d'une action commune, vous serez dans le cas de rédiger le rapport ou le *procès-verbal* d'une capture, vous aurez soin d'indiquer avec exactitude les noms des bâtimens de guerre présents à l'action, ainsi que de leurs commandants, et, autant que possible, le nombre d'hommes embarqués à bord de ces bâtimens au commencement de l'action, sans distinction de grades.

Vous remettrez une copie de ce rapport ou *procès-verbal* à l'officier de la Puissance alliée qui aura eu le commandement supérieur dans l'action, et vous vous conformerez aux instructions de cet officier en ce qui concerne les mesures à prendre pour la conduite et le jugement des prises ainsi faites en commun sous son commandement.

Si l'action a été commandée par un officier de votre nation, vous vous conformerez aux réglemens de votre propre pays, et vous vous bornerez à remettre à l'officier le plus élevé en grade de la Puissance alliée, présent à l'action, une copie certifiée du rapport ou du *procès-verbal* que vous aurez rédigé.

ARTICLE 2.

When you shall have effected a capture in presence and in sight of an allied ship of war, you will mention exactly, in the report which you will draw up when the capture is a ship of war, and in the report or *procès-verbal* of the capture when the prize is a merchant vessel, the number of men on board your ship at the commencement of the action, without distinction of rank, as well as the name of the allied ship of war which was in sight, and, if possible, the number of men embarked on board that ship, likewise without distinction of rank. You will deliver a certified copy of your report, or *procès-verbal*, to the commander of that ship.

ARTICLE 3.

Whenever, in the case of a violation of a blockade, of the transport of contraband articles, of land or sea troops of the enemy, or of official despatches from or for the enemy, you will find yourself under the necessity of stopping and seizing a merchant vessel of the allied nation, you will take care—

1. To draw up a report (or *procès-verbal*), stating the place, the date, and the motive of the arrest, the name of the vessel, that of the captain, the number of the crew; and containing besides an exact description of the state of the vessel and her cargo;

ARTICLE 2.

Lorsque vous aurez effectué une capture en présence et en vue d'un bâtiment de guerre allié, vous mentionnerez exactement dans le rapport que vous rédigerez, s'il s'agit d'un bâtiment de guerre, et dans le *procès-verbal* de capture, s'il s'agit d'un bâtiment de commerce, le nombre d'hommes que vous aviez à bord au commencement de l'action, sans distinction de grade, ainsi que le nom du bâtiment de guerre alliée qui se trouvait en vue, et, s'il est possible, le nombre d'hommes embarqués à bord, également sans distinction de grades. Vous remettrez une copie certifiée de votre rapport ou *procès-verbal* au commandant de ce bâtiment.

ARTICLE 3.

Lorsqu'en cas de violation de blocus, de transport d'objets de contrebande, de troupes de terre ou de mer ennemies, ou de dépêches officielles de ou pour l'ennemi, vous serez dans le cas d'arrêter et saisir un bâtiment de la marine marchande du pays allié, vous devrez :

1. Rédiger un *procès-verbal*, énonçant le lieu, la date et le motif de l'arrestation, le nom du bâtiment, celui du capitaine, le nombre des hommes de l'équipage; et contenant en outre la description exacte de l'état du navire et de sa cargaison;

2. To collect and place in a sealed packet, after having made an inventory of them, all the ship's papers, such as registers, passports, charter-parties, bills of lading, invoices, and other documents calculated to prove the nature and the ownership of the vessel and of her cargo;

3. To place seals upon the hatches;

4. To place on board an officer, with such number of men as you may deem advisable, to take charge of the vessel, and to ensure its safe conduct;

5. To send the vessel to the nearest port belonging to the Power whose flag it carried;

6. To deliver up the vessel to the authorities of the port to which you shall have taken her, together with a duplicate of the report (or *procès-verbal*), and of the inventory above mentioned, and with the sealed packet containing the ship's papers.

ARTICLE 4.

The officer who conducts the captured vessel will procure a receipt proving his having delivered her up, as well as his having delivered the sealed packet and the duplicate of the report (or *procès-verbal*) and of the inventory above mentioned.

ARTICLE 5.

In case of distress, if the captured vessel is not in a fit state to continue its voyage, or in case the distance should be too

2. Réunir en un paquet cacheté, après en avoir fait l'inventaire tous les papiers de bord, tels que: actes de nationalité ou de propriété, passeports, charte-parties, connaissements, factures et autres documents propres à constater la nature et la propriété du bâtiment et de la cargaison;

3. Mettre les scellés sur les écoutilles;

4. Placer à bord un officier, avec tel nombre d'hommes que vous jugerez convenable, pour prendre le bâtiment en charge, et en assurer la conduite;

5. Envoyer le bâtiment au port le plus voisin de la Puissance dont il portait le pavillon;

6. Faire remettre le bâtiment aux autorités du port où vous l'aurez fait conduire, avec une expédition du procès-verbal et de l'inventaire ci-dessus mentionnés, et avec le paquet cacheté, contenant les papiers de bord.

ARTICLE 4.

L'officier conducteur d'un bâtiment capturé se fera délivrer un reçu constatant la remise qu'il en aura faite, ainsi que la délivrance qu'il aura faite du paquet cacheté et de l'expédition du procès-verbal et de l'inventaire ci-dessus mentionnés.

ARTICLE 5.

En cas de détresse, si le bâtiment capturé est hors d'état de continuer sa route, ou en cas de trop grand éloignement, l'officier

great, the officer charged to conduct to a port of the allied Power a prize made on the merchant service of that Power, may enter a port of his own country, and he will deliver his prize to the local authority without prejudice to the ulterior measures to be taken for the adjudication of the prize. He will take care, in that case, that the report or *procès-verbal*, and the inventory which he shall have drawn up, as well as the sealed packet containing the ship's papers, be sent exactly to the proper court of adjudication.

chargé de conduire dans un port de la Puissance alliée une prise faite sur la marine marchande de cette Puissance, pourra entrer dans un port de son propre pays, et il remettra sa prise à l'autorité locale, sans préjudice des mesures ultérieures à prendre pour le jugement de la prise. Il veillera, dans ce cas, à ce que le rapport ou *procès-verbal* et l'inventaire qu'il aura rédigés, ainsi que le paquet cacheté contenant les papiers de bord, soient envoyés exactement à la juridiction chargée du jugement.

E. GREY.

PAUL CAMBON.

Instructions for the conduct of armed merchantmen October 20, 1915, made public March 2, 1916.

In view of the recent issue by the German Government of a memorandum on the treatment of armed merchant ships the Admiralty has decided to make public the instructions actually governing the actions of British merchant vessels armed for self-defense:

INSTRUCTIONS, DATED OCTOBER 20, 1915, IN RE THE STATUS OF ARMED
MERCHANT SHIPS.

(1) The right of the crew of a merchant vessel to forcibly resist visit and search and fight in self-defense is well recognized in international law and expressly admitted by the German prize regulations in an addendum issued June, 1914, at a time when it was known that numerous merchant vessels were being armed for self-defense.

(2) Armament is supplied solely for the purpose of resisting attack by an armed enemy vessel and must not be used for any other purpose whatsoever.

(3) An armed merchant vessel, therefore, must not in any circumstances interfere with or obstruct the free passage of other merchant vessels or fishing craft, whether these are friendly, neutral, or hostile.

(4) The status of a British armed merchant vessel can not be changed upon the high seas.

Rules to be observed in the exercise of the right of self-defense:

(1) The master or officer in command is responsible for opening and ceasing fire.

(2) Participation in armed resistance must be confined to persons acting under the orders of the master or the officer in command.

(3) Before opening fire the British colors must be hoisted.

(4) Fire must not be opened or continued from a vessel which has stopped, hauled down her flag, or otherwise indicated her intention to surrender.

(5) The expression "armament" includes not only cannon, but also rifles and machine guns in cases where these have been supplied.

(6) The ammunition used in rifles and machine guns must conform to article 23, Hague Convention, 1907; that is, bullets must be cased in nickel or other hard substance and must not be split or cut in such a way as to cause them to expand or set up on striking a man. The use of explosive bullets is forbidden.

CIRCUMSTANCES UNDER WHICH ARMAMENT SHOULD BE EMPLOYED.

(1) The armament is supplied for the purpose of defense only. The object of the master should be to avoid action whenever possible.

(2) Experience has shown that hostile submarines and aircraft have frequently attacked merchant vessels without warning. It is important, therefore, that craft of this description should not be allowed to approach to short range, at which a torpedo or bomb launched without notice would almost certainly be effective. British and allied submarines and aircraft have orders not to approach merchant vessels; consequently, it may be presumed that any submarine or aircraft which deliberately approaches or pursues a merchant vessel does so with hostile intention. In such cases fire may be opened in self-defense in order to prevent the hostile craft from closing to a range at which resistance to a sudden attack with bomb or torpedo would be impossible.

(3) An armed merchant vessel proceeding to render assistance to the crew of a vessel in distress must not seek action with any hostile craft, though if she herself is attacked while doing so fire may be opened in self-defense.

(4) It should be remembered that the flag is no guide to nationality. German submarines and armed merchant vessels have frequently employed the British, allied, or neutral colors to approach undetected. Though, however, the use of disguise and false colors to escape capture is a legitimate ruse de guerre, its

adoption by defensively armed merchant ships may easily lead to misconception. Such vessels, therefore, are forbidden to adopt any form of disguise which might cause them to be mistaken for neutral ships.

ADMIRALTY COMMENT.

These instructions, which are those at present in force, are the latest issued. Successive issues have been made, not by reason of a change in policy—the policy throughout has remained unaltered—but by improvement in wording and greater clearness of expression, to emphasize the purely defensive character of the armament of merchant vessels.

It is because of the distorted interpretation given these instructions as a whole and the very forced character of the interpretation given by the German Government to portions which they quote from an earlier issue of the instructions that the Admiralty felt it desirable, with a view to allaying neutral anxiety, to publish these in extenso.

*Order in council relating to the requisition of prizes, April 29, 1915.*¹

[Manual of Emergency Legislation, Supp. No. 3, p. 508.]

No. 387.—At the court of Buckingham Palace, the 29th day of April, 1915.

Present, the King's Most Excellent Majesty in council.

Whereas by section 3 of the prize courts act, 1894,² His Majesty in council is authorized to make rules of court for regulating, subject to the provisions of the naval prize act, 1864,³ and the said act, the procedure and practice of prize courts within the meaning of the naval prize act, 1864, and the duties and conduct of the officers of the courts and of the practitioners therein, and for regulating the fees to be taken by the officers thereof, and the costs, charges, and expenses to be allowed to the practitioners therein:

And whereas in pursuance of the prize courts act, 1894, certain rules were made by the order of His Majesty in council, dated the 5th day of August, 1914, and amended by the orders of His Majesty in council of the 30th day of September, 1914, and the 28th day of November, 1914, respectively, which said rules and amended rules were by the said orders in council directed to take effect *provisionally* in accordance with the provisions of section 2

¹ This establishes the provisional order in council of Mar. 23, 1915, notice of which was given in the London Gazette, Mar. 19, 1915, p. 2735, as "Statutory Rules."

² 57 and 58 Vict., c. 39.

³ 27 and 28 Vict., c. 25.

of the rules publication act, 1893,¹ from the dates of the said orders in council, respectively:

And whereas the provisions of section 1 of the rules publication act, 1893, were duly complied with in respect of the said rules and amended rules, and the same were *finally* made by the orders of His Majesty in council, dated, respectively, the 17th day of September, 1914, the 28th day of November, 1914, and the 3d day of February, 1915.

And whereas it is expedient that the said rules and amended rules should be further amended.

And whereas on account of urgency this order should come into immediate operation.

Now, therefore, His Majesty, by virtue of the powers in this behalf by the said act or otherwise in him vested, is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, as follows:

1. That in Order IX (discovery, inspection, and admission of documents and facts) of the said rules:

In rule 1, the words "upon filing an affidavit" shall be omitted.

In rule 1, instead of the words "any other party" there shall be substituted the words "any party other than the proper officer of the Crown."

2. That in Order XI (sale, appraisement, safe custody, and inspection of prize) of the said rules, in rule 1, the following words shall be omitted: "on account of the condition of a ship, or on application of a claimant, and on or after condemnation."

3. That in Order XV (evidence and hearing) of the said rules, the following rules shall be added:

"21. Notwithstanding anything contained in these rules the proper officer of the Crown may apply to the judge for leave to administer interrogatories for the examination of any person whether a party to the cause or not."

4. That Order XXIX (requisition by Admiralty) of the said rules, as amended by His Majesty's order in council dated the 28th day of November, 1914, shall be, and the same is hereby, revoked, and in lieu thereof the following order shall have effect:

"ORDER XXIX—REQUISITION."²

"1. Where it is made to appear to the judge on the application of the proper officer of the Crown that it is desired to requisition

¹ 56 and 57 Vict., c. 66.

² The judicial committee of the privy council held in the case of the *Zamora* [1916] 2 A. C. 77, "Order 29, rule 1, of the Prize Court Rules, construed as an imperative direction to the court, is not binding. Under these circumstances the rule must, if possible, be construed merely as a direction to the court in cases in which it may be determined that, according to international law, the Crown has a right to requisition the vessel or goods of enemies or neutrals."

on behalf of His Majesty a ship in respect of which no final decree of condemnation has been made, he shall order that the ship shall be appraised, and that upon an undertaking being given in accordance with rule 5 of this order, the ship shall be released and delivered to the Crown.

"2. Where a decree for the detention of a ship has been made in accordance with Order XXVIII, the proper officer of the Crown may file a notice (Appendix A, Form No. 55) that the Crown desires to requisition the same, and thereupon a commission (Appendix A, Form No. 56) to the marshal directing him to appraise the ship shall issue. Upon an undertaking being given in accordance with rule 5 of this order the ship shall be released, and delivered to the Crown. Service of this notice shall not be required before filing, but copies thereof shall be served upon the parties by the proper officer of the Crown as soon thereafter as possible.

"3. Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the ship is required for the service of His Majesty forthwith, the judge may order the same to be forthwith released and delivered to the Crown without appraisement.

"4. In any case where a ship has been requisitioned under the provisions of this order and whether or not an appraisement has been made, the court may, on the application of any party, fix the amount to be paid by the Crown in respect of the value of the ship.

"5. In every case of requisition under this order an undertaking in writing shall be filed by the proper officer of the Crown for payment into court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under rule 4 of this order, as the case may be, at such time or times as the court shall declare by order that the same or any part thereof is required for the purpose of payment out of court.

"6. Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the Crown desires to requisition the ship temporarily, the court may, in lieu of an order of release, make an order for the temporary delivery of the ship to the Crown, and subject as aforesaid the provisions of this order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the court, the court may make such order as it thinks fit for the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to be paid thereby, as the case may be; and provided also that, where the ship so requisitioned is subject to the provisions of Order XXVIII, rule 1, relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered by reason of such temporary delivery as aforesaid.

"7. The proceedings in respect of a ship requisitioned under this order shall continue notwithstanding the requisition.

"8. In any case of requisition of a ship in respect of which no cause has been instituted, any person interested in such ship may, without issuing a writ, provided he does not intend to make a claim for restitution or damages, apply by summons for an order that the amount to be paid in respect of such ship be fixed by the court, and the judge may, on the hearing of such summons, order the ship to be appraised or to be valued, or give such other directions for fixing the amount as he may think fit."

5. That in Form 4 in Appendix A to the said rules there shall be omitted the words "commander of our ship of war" and the words "taken and seized as prize by our said ship of war."

6. This order shall take effect provisionally in accordance with the provisions of section 2 of the rules publication act, 1893, from the date hereof.

ALMERIC FITZROY.

Act of Parliament permitting the blacklisting of firms in neutral territory, having any association with the enemy, December 23, 1915.

[5 and 6 Geo., 5, c. 98.]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) His Majesty may by proclamation prohibit all persons or bodies of persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom, from trading with any persons or bodies of persons not resident or carrying on business in enemy territory or in territory in the occupation of the enemy (other than persons or bodies of persons, incorporated or unincorporated, residing or carrying on business solely within His Majesty's dominions), wherever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to His Majesty expedient so to do; and if any person acts in contravention of any such proclamation he shall be guilty of a misdemeanor, triable and punishable in like manner as the offense of trading with the enemy; (2) any list of persons and bodies of persons, incorporated or unincorporated, with whom such trading is prohibited by a proclamation under this act, may be varied or added to by an order made by the Lords of the Council on the recommendation of a secretary of state; (3) the provisions of the trading with the enemy acts, 1914 and 1915, and of the customs (war powers) (No. 2) act, 1915, and all other enactments relating to trading with the enemy shall, subject to such exceptions and adaptations as may be prescribed by order in council,

apply in respect of such persons and bodies of persons as aforesaid, as if for references therein to trading with the enemy there were substituted references to trading with such persons and bodies of persons as aforesaid, and for references to enemies there were substituted references to such persons and bodies of persons as aforesaid, and for references to offenses under the trading with the enemy acts, 1914 and 1915, or any of those acts there were substituted references to offenses under this act; (4) for the purpose of this act a person shall be deemed to have traded with a person or body of persons to whom a proclamation issued under this act applies if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of such a person or body of persons, which, if entered into or done with, to, on behalf of, or for the benefit of an enemy, would be trading with the enemy.

2. This act may be cited as the trading with the enemy (extension of powers) act, 1915.

GREECE.

Provisional government, declaration of war against Germany and Bulgaria, November 24, 1916.

There is no country in existence which, in its desire for peace, has done more than Greece in the course of the present war to repress its feelings, even to the extent of forgetting its aspirations, or shown so much patience toward rivals who have sought to benefit by the ruin of its interests. The spectacle of Belgium, a little country like Greece, being made the victim of a most insolent violation of solemn treaties, and the fact that that violation was the basis of the war, inclined Greece from the very first to take part in this war of nations. But in the interest of Serbia and in that of the Greek cause generally, Greece deemed it a duty to decide in favor of neutrality. Profiting by past experience of Bulgarian duplicity, however, and having from an early period reasons to suspect that treacherous designs were being entertained, Greece at the same time kept her forces absolutely in reserve in case her efforts should not succeed in preventing a Bulgarian aggression, with a view to going to the assistance of her heroic Serbian ally.

When this eventuality actually occurred, Greece, which at that time was still controlled by her legal Government, was ready loyally to fulfill the obligations of the alliance. But she was deterred by the pernicious effects of a disgraceful campaign which had long been undertaken against the moral unity of the country. As early as February, 1915, the Liberal Cabinet then in power, strong in the almost unanimous support of the representatives of the peo-